UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,083	10/29/2003	Geoffrey Parker Brown	1003-001US02	5938

28863 7590 01/25/2007	EXAMINER
SHUMAKER & SIEFFERT, P. A. 8425 SEASONS PARKWAY SUITE 105 ST. PAUL, MN 55125	KARKHANIS, AASHISH

ART UNIT	PAPER NUMBER
3714	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
	10/696,083	BROWN, GEOFFREY PARKER
Office Action Summary	Examiner	Art Unit	
	Aashish Karkhanis	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *11/1/06*.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1,4,6,8,11,13,14,17 and 19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1,4,6 8 11,13-14,17 and 19* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *29 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 1, 4, 6, 8, 11, 13 – 14, 17 and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Best (U.S. Patent 5,358,259) in view of Breese et al. (U.S. Patent 5,987,415).

Regarding Claims 1, 11 and 13 – 14, Best discloses a method for modeling a two-way

conversation between a computer-based character and a user (col. 3, lins. 15 – 21) including

storing situation data in a database (col. 1, lins. 24 – 27) that defines a set of situation tags and

associated situation text where the situation tags represent situations that describe contexts in

which the user interacts with one or more of a plurality of characters (col. 1, lins. 55 – 65; where

a branching story line followed by a player provides structure and direction for a player's in-

game interactions), storing character data that defines a set of character tags and associated

character text for each of the plurality of computer based characters (col. 2, lins. 28 – 40), and

where each of behavior patterns is represented as a set of linked frames that specify respective

text-based dialogue to be presented to user (col. 4, lins. 10 – 15; where different behaviors,

characters, and other aspects of the scene are changed and selected from a database of

information, which can be treated as frames defining a number of different situations), selecting

one of the situation as a currently selected situation, one of the characters as a currently selected

character, presenting text-based dialogue to the user from the character and response dialogue

from the user to the character within the environment by merging the text based dialogue

specified by the frames of the currently selected situation text of the currently selected situation,

and the character text of the currently selected character (col. 3, lins. 62 – 66; where dialogue

audio are media tags embedded into scenes), presenting response dialogue to the user for

selection as a plurality of choices, receiving a selection from the user in response to the response

dialogue (col. 3, lins 65 – 68; col. 4, lins. 1 – 4), presenting text based dialogue from the

currently selected character to the user within the environment by merging the text based

dialogue specified by the frames of situation text of the currently selected situation and the

character text of the currently selected character (col. 4, lins. 5 – 9).

Best does not disclose behavior patterns in a game environment, or the use of an online

environment. However, Breese teaches storing a plurality of behavior patterns, wherein each of

the behavior patterns defines a conversation with the user wherein each of the behavior patterns

defines the conversation as a series of interactions with the user in accordance with a consistent

attitude (col. 10, lins. 39 – 44; where a consistent baseline for user attitude is gauged) and

wherein each of the behavior patterns can be used with the different characters and the different

situations (col. 1, lins 15 – 20; where any number of characters may use different behavior

patterns), updating a set of relationship variables based on the selection and storing the

relationship variables to represent the currently selected character's attitude toward the user

based on interaction with the user in the behavior pattern (col. 10, lins. 39 – 44; where a

consistent baseline for user attitude is gauged and stored as a first state), selecting a second

behavior pattern for the character as a function of the updated relationship variables when the

first behavior pattern has been traversed (col. 1, lins. 45 – 65; where a behavior may be updated

based on the type and style of a user's interaction) in order to make interacting with a computer

system more natural for a user and to provide a wider variety of tailored responses. Therefore, it

would have been obvious to one of ordinary skill in the art at the time of the invention to have

modified the character-based electronic video game system with situation based dialogue of Best

with the behavior storing, sensing and updating system for generic electronic and computer

based systems including characters of Breese in order to make interacting with a computer

system more natural for a user and to provide a wider variety of tailored responses.

Further, Breese teaches the use of this system through a computer network such as the

online environment of the Internet (col. 7, lins. 44 – 56) in order to allow communication over a

wide area for generic computer devices. Therefore, it would have been obvious to one of

ordinary skill in the art at the time of the invention to have modified the game system of Best

with an online communication system of Breese in order to allow communication over a wide

area for generic computer devices, and allow Internet based gaming for game devices such as the

video game of Best.

Regarding Claim 4, 6, 17 and 19, Best discloses a method for modeling a two-way

conversation including selecting a current one of the frames of the behavior pattern presenting

the text-based dialogue from the character to the user, presenting the response dialogue from a

plurality of the frames to the user for selection as a plurality of choices (col. 4, lins. 1 – 34),

where the frames of the behavior pattern comprises a set of fixed pointers to other frames within

the behavior pattern (fig. 8, elems. 60, 61, 62, 63, 64; where behaviors are guided by branching

dialogue pointers), and generating a two-way conversation including traversing the pointers of

the linked frames based on the selection received from the user at each of the frames (col. 4, lins.

1 – 34).

Regarding Claim 8, Best discloses a method including storing character-specific media of

the computer-based character, and displaying character-specific media with the dialogue

generated for each frame of the modeled conversation wherein the character-specific media

includes a set of photographs associated with the computer-based character (col. 4, lins. 1 – 14;

where a character may be composed of multiple personalities, voices and faces as determined by

a game).

Response to Arguments

2.   Applicant's arguments have been considered but are moot in view of the new ground(s)

of rejection.

Conclusion

1.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

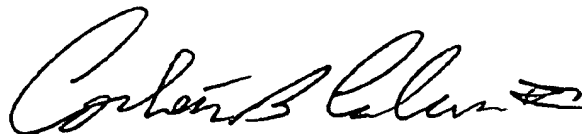however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aashish Karkhanis whose telephone number is (571) 272-2774. The examiner can normally be reached on 0800-1630 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARK

CORBETT B. COBURN
PRIMARY EXAMINER